

Remarks

Claims 11-16 and 18 are pending in this application. The Examiner has rejected claims 11-15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Atalla* in view of *Lawrence*. The Examiner has rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Atalla* in view of *Lawrence*, further in view of *Logan*. Applicants believe that claims 11-16 and 18 are patentable over the prior art of record.

The claimed invention as defined by claim 11 is a method for manipulating a broadcast signal in a communication system. The communication system includes a headend that receives the broadcast signal and that sends programming to a plurality of hubs with each hub sending the programming to at least one node that distributes the programming to end users. The method comprises receiving the signal at the headend, establishing a buffered storage queue at the headend that receives the signal, and transmitting a stream from the headend. The stream passes through a hub and through a node to reach an end user. The stream is derived from the signal, and the stream originates from a user selected playback point in the buffered storage queue.

The Examiner states that *Atalla* discloses the claimed invention except for a communication system including a headend which sends programming to a plurality of hubs with each hub sending the programming to at least one node that distributes the programming to end users. The Examiner relies on *Lawrence* for that which *Atalla* fails to disclose. Applicants disagree with the Examiner's interpretation of *Atalla*.

Atalla fails to describe or suggest that the communication system includes a headend, a plurality of hubs, with each hub sending the programming to at least one node that distributes the programming to end users. *Atalla* further fails to describe or suggest that the buffered storage queue is located at the headend and that the stream is transmitted from the headend, with the stream originating from a user selected playback point in the buffered storage queue, and with the stream passing through a hub and a node to reach the end user.

In addition, *Lawrence* fails to describe or suggest that the buffered storage queue is located at the headend and that the stream is transmitted from the headend, with the stream originating from a user selected playback point in the buffered storage queue, and with the stream passing through a hub and a node to reach the end user. As such, claim 11 is believed to be patentable.

Atalla describes a video on demand distribution system and method. In contrast to the claimed invention, *Atalla* describes a number of community systems. A particular community system includes moving memory modules, a microcell access switch, and a number of microcells. In operation of the *Atalla* system, the user requests a video that is either present in the moving memory modules or may be downloaded thereto. Once the demanded video is present in the moving memory modules, *Atalla* describes the use of a microcell to control the sending of the video to the user. The microcell does utilize a buffer, that through a bus interface, receives information from the moving memory modules. However, the moving memory modules cyclically distribute the entire set of programs. As such, the microcell access switch acts as a local node that serves a number of users. The video source or headend in *Atalla* is the master file/host 11 of Figure 1. In operation, the master file/host sends an entire video file to the microcell access switch at one time. The entire video file is then cyclically distributed by the moving memory modules.

That is, *Atalla* fails to describe or suggest transmitting a stream from the headend that originates from a user selected playback point in the buffered storage queue with the stream passing through a hub and through a node to reach the end user, as recited in independent claim 11. The complex distribution scheme in *Atalla* is far different than the claimed invention. Further, *Lawrence* fails to describe or suggest the subject matter of independent claim 11 that is lacked by *Atalla*.

Claims 12-16 depend from claim 11 and are also believed to be patentable. Claim 18 recites similar language to claim 11 and is also believed to be patentable for similar reasons.

Applicants respectfully request that the Examiner reconsider this case, and allow the pending claims.

Respectfully submitted,
LAWRENCE ET AL.

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